IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.2244 of 2007

Kamlesh Parmanand Karnavat @ Parmavat Applicant
Vs.
State of Maharashtra Respondent

Mr.R.B.Upadhyay for applicant.
Mr.D.P.Adsule, APP for State.

CORAM: B.H.MARLAPALLE, J.

July 27, 2007.

P.C.

. Heard Mr.Upadhyay, the learned counsel for the applicant. The applicant is aggrieved by the order passed by the trial Court on 15/6/2007 whereby his application to cancel the non-bailable warrant has been rejected and the applicant was directed to be taken into custody.

. When Criminal Application No.4378 of 2006 was decided by this Court and the applicant, who is the present petitioner was directed to be released on bail as per the order dated 15/12/2006 certain conditions were imposed against him viz. (a) he would be reporting to the police station once in a week on every Saturday between 5 p.m. and 7 p.m. till the conclusion of the trial and (b) that the applicant shall co-operate for early disposal of the

trial and in the event the trial Court records an opinion that the applicant is responsible for delaying the trial, that could be a basis for cancellation of bail. There were some additional conditions also but they are not very relevant for the present application.

. The applicant remained absent on 11/5/2007, 18/5/2007 and 14/6/2007 and when he was called upon to explain the same, he filed a medical certificate stating that he was sick during the period from 3/6/2007 to 6/6/2007. This medical certificate did not state anything about the absence on 11/5/2007 and 18/5/2007. At the same time the learned Judge of the trial Court noted that even the medical certificate was not reliable in as much as the medical certificate showed that the applicant was suffering from fever and the reason given by the applicant for remaining absent on three dates was that he was suffering from stomach ache. In these obtaining circumstances, the trial Court rightly passed the impugned order.

. It appears that the applicant - accused no.5 has subsequently submitted an application on

19/6/2007 before the trial Court seeking permission to withdraw the bail application no.21 of 2007. If the said bail application is still pending, the trial Court is directed to hear and decide the same on its own merits.

. The application is rejected with the above directions.

(B.H.MARL